

# CONSUMER FRAUD AND MULTI-DISTRICT LITIGATION RESUME

Robbins Geller Rudman & Dowd LLP (“Robbins Geller” or the “Firm”) is a 200-lawyer firm with offices in Boca Raton, Chicago, Manhattan, Melville, Nashville, San Diego, San Francisco, Philadelphia, and Washington, D.C. ([www.rgrdlaw.com](http://www.rgrdlaw.com)). The Firm is actively engaged in complex litigation, emphasizing securities, consumer, antitrust, insurance, healthcare, human rights, and employment discrimination class actions. The Firm’s unparalleled experience and capabilities in these fields are based upon the talents of its attorneys, who have successfully prosecuted thousands of class action lawsuits and numerous individual cases, recovering billions of dollars for consumers and investors. This successful track record stems from our experienced attorneys, including many who came to the Firm from federal or state law enforcement agencies. The Firm also includes several dozen former federal and state judicial clerks.

In our consumer-based economy, working families who purchase products and services must receive truthful information so they can make meaningful choices about how to spend their hard-earned money. When financial institutions and other corporations deceive consumers or take advantage of unequal bargaining power, class action suits provide, in many instances, the only realistic means for an individual to right a corporate wrong.

Robbins Geller attorneys represent consumers around the country in a variety of important, complex class actions. Our attorneys have taken a leading role in many of the largest federal and state consumer fraud, environmental, human rights and public health cases throughout the United States. The Firm is also actively involved in many cases relating to banks and the financial services industry, pursuing claims on behalf of individuals victimized by abusive telemarketing practices, abusive mortgage lending practices, market timing violations in the sale of variable annuities, and deceptive consumer credit lending practices in violation of the Truth-In-Lending Act.

The Firm is committed to practicing law with the highest level of integrity in an ethical and professional manner. We are a diverse firm with lawyers and staff from all walks of life. Our lawyers and other employees are hired and promoted based on the quality of their work and their ability to treat others with respect and dignity.

We strive to be good corporate citizens and work with a sense of global responsibility. Contributing to our communities and environment is important to us. We often take cases on a *pro bono* basis and are committed to the rights of workers, and to the extent possible, we contract with union vendors. We care about civil rights, workers’ rights and treatment, workplace safety, and environmental protection. Indeed, while we have built a reputation as the finest securities and consumer class action law firm in the nation, our lawyers have also worked tirelessly in less high-profile, but no less important, cases involving human rights and other social issues.

## NOTABLE CONSUMER FRAUD CASES

- ***In re Nat'l Prescription Opiate Litig.*** Robbins Geller serves on the Plaintiffs' Executive Committee to spearhead more than 2,900 federal lawsuits brought on behalf of governmental entities and other plaintiffs in the sprawling litigation concerning the nationwide prescription opioid epidemic. In reporting on the selection of the lawyers to lead the case, *The National Law Journal* reported that “[t]he team reads like a ‘Who’s Who’ in mass torts.”

- ***In re Facebook Biometric Info. Privacy Litig.*** Robbins Geller served as co-lead class counsel in a cutting-edge certified class action, securing a record-breaking \$650 million all-cash settlement, the largest privacy settlement in history. The case concerned Facebook's alleged privacy violations through its collection of its users' biometric identifiers without informed consent through its "Tag Suggestions" feature, which uses proprietary facial recognition software to extract from user-uploaded photographs the unique biometric identifiers (i.e., graphical representations of facial features, also known as facial geometry) associated with people's faces and identify who they are. The Honorable James Donato called the settlement "a groundbreaking settlement in a novel area" and praised the unprecedented 22% claims rate as "pretty phenomenal" and "a pretty good day in class settlement history."
- ***In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Pracs. & Antitrust Litig.*** Robbins Geller served as co-lead class counsel in a case against Mylan Pharmaceuticals and Pfizer alleging anti-competitive behavior that allowed the price of ubiquitous, life-saving EpiPen auto-injector devices to rise over 600%, resulting in inflated prices for American families. Two settlements totaling \$609 million were reached after five years of litigation and weeks prior to trial.
- ***In re Volkswagen "Clean Diesel" Mktg., Sales Pracs., & Prods. Liab. Litig.*** As part of the Plaintiffs' Steering Committee, Robbins Geller reached a series of settlements on behalf of purchasers, lessees, and dealers that total well over \$17 billion, the largest settlement in history, concerning illegal "defeat devices" that Volkswagen installed on many of its diesel-engine vehicles. The device tricked regulators into believing the cars were complying with emissions standards, while the cars were actually emitting between 10 and 40 times the allowable limit for harmful pollutants.
- ***Trump University.*** After six and a half years of tireless litigation and on the eve of trial, Robbins Geller secured a historic recovery on behalf of Trump University students around the country. The settlement provides \$25 million to approximately 7,000 consumers, including senior citizens who accessed retirement accounts and maxed out credit cards to enroll in Trump University. The extraordinary result means individual class members are eligible for upwards of \$35,000 in restitution. The settlement resolves claims that President Donald J. Trump and Trump University violated federal and state laws by misleadingly marketing "Live Events" seminars and mentorships as teaching Trump's "real-estate techniques" through his "hand-picked" "professors" at his so-called "university." Robbins Geller represented the class on a *pro bono* basis.
- ***Bank Overdraft Fees Litigation.*** The banking industry charges consumers exorbitant amounts for "overdraft" of their checking accounts, even if the customer did not authorize a charge beyond the available balance and even if the account would not have been overdrawn had the transactions been ordered chronologically as they occurred – that is, banks reorder transactions to maximize such fees. The Firm brought lawsuits against major banks to stop this practice and recover these false fees. These cases have recovered over \$500 million thus far from a dozen banks and we continue to investigate other banks engaging in this practice.
- ***Visa and MasterCard Fees.*** After years of litigation and a six-month trial, Robbins Geller attorneys won one of the largest consumer-protection verdicts ever awarded in the United States. The Firm's attorneys represented California consumers in an action against Visa and MasterCard for intentionally imposing and concealing a fee from cardholders. The court ordered Visa and MasterCard to return \$800 million in cardholder losses, which represented 100% of the amount illegally taken, plus 2% interest. In addition, the court ordered full disclosure of the hidden fee.
- ***Dannon Activia®.*** Robbins Geller attorneys secured the largest ever settlement for a false advertising case involving a food product. The case alleged that Dannon's advertising for its Activia® and DanActive® branded products and their benefits from "probiotic" bacteria were overstated. As part of the nationwide settlement, Dannon agreed to modify its advertising and establish a fund of up to \$45 million to compensate consumers for their purchases of Activia® and DanActive®.

- ***Mattel Lead Paint Toys.*** In 2006-2007, toy manufacturing giant Mattel and its subsidiary Fisher-Price announced the recall of over 14 million toys made in China due to hazardous lead and dangerous magnets. Robbins Geller attorneys filed lawsuits on behalf of millions of parents and other consumers who purchased or received toys for children that were marketed as safe but were later recalled because they were dangerous. The Firm's attorneys reached a landmark settlement for millions of dollars in refunds and lead testing reimbursements, as well as important testing requirements to ensure that Mattel's toys are safe for consumers in the future.
- ***Tenet Healthcare Cases.*** Robbins Geller attorneys were co-lead counsel in a class action alleging a fraudulent scheme of corporate misconduct, resulting in the overcharging of uninsured patients by the Tenet chain of hospitals. The Firm's attorneys represented uninsured patients of Tenet hospitals nationwide who were overcharged by Tenet's admittedly "aggressive pricing strategy," which resulted in price gouging of the uninsured. The case was settled with Tenet changing its practices and making refunds to patients.
- ***Pet Food Products Liability Litigation.*** Robbins Geller served as co-lead counsel in this massive, 100+ case products liability MDL in the District of New Jersey concerning the death of and injury to thousands of the nation's cats and dogs due to tainted pet food. The case settled for \$24 million.
- ***Sony Gaming Networks & Customer Data Security Breach Litigation.*** The Firm served as a member of the Plaintiffs' Steering Committee, helping to obtain a precedential opinion denying in part Sony's motion to dismiss plaintiffs' claims involving the breach of Sony's gaming network, leading to a \$15 million settlement.

# Robbins Geller Rudman & Dowd LLP



## Stuart A. Davidson Partner

Boca Raton | T: (561) 750-3000  
E: [SDavidson@rgrdlaw.com](mailto:SDavidson@rgrdlaw.com)

### Practice Areas

Consumer Fraud and Privacy  
Corporate Takeover  
Shareholder Derivative

### Education

Nova Southeastern University  
Shepard Broad College of Law, J.D.,  
1996, *summa cum laude*

- Graduated in the top 3% of his class
- Associate Editor, *Nova Law Review*
- Recipient of Book Awards (highest grade) in Trial Advocacy, International Law, and Criminal Pretrial Practice

State University of New York at Geneseo, B.A., 1993, Political Science

### Honors & Awards

Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2022

Named a Florida Super Lawyer, *Super Lawyers Magazine*, 2021-2022

Stuart Davidson is a partner in Robbins Geller Rudman & Dowd LLP's Boca Raton office. His practice focuses on complex consumer class actions, including cases involving deceptive and unfair trade practices, privacy and data breach issues, and antitrust violations.

He has served as class counsel in some of the nation's most significant privacy and consumer cases, including: *In re Facebook Biometric Information Privacy Litigation*, No. 3:15-cv-03747-JD (N.D. Cal.) (\$650 million recovery in a cutting-edge class action concerning Facebook's alleged privacy violations through its collection of user's biometric identifiers without informed consent); *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-md-02752-LHK (N.D. Cal.) (\$117.5 million recovery in the largest data breach in history); *In re Sony Gaming Networks & Customer Data Security Breach Litigation*, No. 3:11-md-02258-AJB-MDD (S. D. Cal.) (settlement valued at \$15 million concerning the massive data breach of Sony's PlayStation Network); and *Kehoe v. Fidelity Federal Bank & Trust*, No. 9:03-cv-80593-DTKH (S.D. Fla.) (\$50 million recovery in Driver's Privacy Protection Act case on behalf of half-a-million Florida drivers against a national bank).

Stuart currently serves as Plaintiffs' Co-Lead Counsel in *In re American Medical Collection Agency, Inc. Customer Data Security Breach Litigation*, No. 2:19-md-02904-MCA-MAH (D.N.J.) (representing class of LabCorp customers), *Garner v. Amazon.com, Inc.*, No. 2:21-cv-00750-RSL (W.D. Wash.) (alleging Amazon's illegal wiretapping through Alexa-enabled devices), *In re American Financial Resources, Inc. Data Breach Litigation*, No. 2:22-cv-01757-MCA-JSA (D.N.J.), and *In re Solara Medical Supplies Data*

**Robbins Geller  
Rudman & Dowd LLP**

**Stuart A. Davidson**  
Partner

Leading Plaintiff Financial Lawyer,  
*Lawdragon*, 2020-2022

500 Leading Plaintiff Consumer  
Lawyer, *Lawdragon*, 2022

Named one of “Florida’s Most  
Effective Lawyers” in the Privacy  
category by American Law Media,  
2020

*Breach Litigation*, No. 3:19-cv-02284-H-KSC (S.D. Cal.) (\$5 million cash settlement for victims of healthcare data breach, pending approval), and on Plaintiffs’ Executive Committee in *In re Lakeview Loan Servicing Data Breach Litigation*, No. 1:22-cv-20955-DPG (S.D. Fla.).

Stuart also spearheaded several aspects of *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices & Antitrust Litigation*, No. 2:17-md-02785-DDC-TJJ (D. Kan.) (\$609 million total recovery achieved weeks prior to trial in certified class action alleging antitrust claims involving the illegal reverse payment settlement to delay the generic EpiPen, which allowed the prices of the life-saving EpiPen to rise over 600% in 9 years), and served as Plaintiffs’ Co-Lead Counsel in *In re NHL Players’ Concussion Injury Litigation*, No. 0:14-md-02551-SRN-BRT (D. Minn.) (representing retired National Hockey League players in multidistrict litigation suit against the NHL regarding injuries suffered due to repetitive head trauma and concussions), and in *In re Pet Food Products Liability Litigation*, No. 1:07-cv-02867-NLH-AMD (D.N.J.) (\$24 million recovery in multidistrict consumer class action on behalf of thousands of aggrieved pet owners nationwide against some of the nation’s largest pet food manufacturers, distributors, and retailers). He also served as Plaintiffs’ Co-Lead Counsel in *In re UnitedGlobalCom, Inc. Shareholder Litigation*, C.A. No. 1012-VCS (Del. Ch.) (\$25 million recovery weeks before trial); *In re Winn-Dixie Stores, Inc. Shareholder Litigation*, No. 16-2011-CA-010616 (Fla. Cir. Ct.) (\$11.5 million recovery for former Winn-Dixie shareholders following the corporate buyout by BI-LO); and *In re AuthenTec, Inc. Shareholder Litigation*, No. 5-2012-CA-57589 (Fla. Cir. Ct.) (\$10 million recovery for former AuthenTec shareholders following a merger with Apple). The latter two cases are the two largest merger and acquisition recoveries in Florida history.

Stuart is a former lead assistant public defender in the Felony Division of the Broward County, Florida Public Defender’s Office. During his tenure at the Public Defender’s Office, he tried over 30 jury trials and defended individuals charged with major crimes ranging from third-degree felonies to life and capital felonies. He has been quoted in numerous major media outlets regarding his cases, including *The New*

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Rudman & Dowd LLP

Stuart A. Davidson  
Partner

*York Times, The Washington Post, USA Today, U.S. News & World Report, New York Daily News, the South Florida Sun-Sentinel, the Boston Globe, the Miami Herald, The Globe & Mail, and Law360*, and is a frequent speaker at conferences involving class action practice and procedure.

Stuart has been named a Leading Plaintiff Financial Lawyer and a 500 Leading Plaintiff Consumer Lawyer by *Lawdragon* and one of “Florida’s Most Effective Lawyers” by American Law Media’s *Daily Business Review*. He has also been named a Super Lawyer by *Super Lawyers Magazine*. He is a member of the Sedona Conference Working Group 11 Brainstorming Group, focusing on the California Consumer Protection Act. He earned his Bachelor of Arts degree in Political Science from the State University of New York at Geneseo. Stuart earned a Juris Doctor degree from the Nova Southeastern University Shepard Broad College of Law, where he graduated *summa cum laude* in the top 3% of his class. While in law school he was the Associate Editor for the *Nova Law Review* and was the recipient of Book Awards (highest grade) in Trial Advocacy, International Law, and Criminal Pretrial Practice.

## Professional Affiliations

- Member, American Association for Justice
- Member, Sedona Conference Working Group 11 Brainstorming Group

## Featured Seminars & Speaking Engagements

- The Duke Law Bolch Judicial Institute, Third Annual Mass-Tort MDL Certificate Program, *Discovery in MDLs* (Nov. 16, 2021)
- Guest Lecture, *Class Actions and Multi-Party Litigation*, University of Baltimore School of Law (Nov. 3, 2021)
- The 3rd Annual Western Alliance Bank Class Action Law Forum™, in collaboration with University of San Diego School of Law: *Consumer Class Actions* (Apr. 21, 2021)
- National Consumer Law Center’s Consumer Rights Litigation Conference and Class Action Symposium 2020: *Utilizing Technology in*

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Rudman & Dowd LLP

Stuart A. Davidson  
Partner

*Consumer Class Actions* (Nov. 12, 2020)

- Strafford CLE Webinar, *Sports-Related Class Actions: Navigating the Minefield of Class Certification and Federal Labor Laws* (Nov. 15, 2018)
- HB Litigation Conferences' Consumer Class Actions: *Attorneys' Fees*, San Juan, Puerto Rico (May 5, 2016)
- HB Litigation Conferences' Data Breach & Privacy Litigation Conference 2016: *Recent Settlements and the Picture They Paint*, San Francisco, California (Feb. 11, 2016)

## Admissions

- Florida
- Minnesota
- United States Supreme Court
- United States Courts of Appeals for the Second, Third, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Circuits
- United States District Courts for the Northern, Middle, and Southern Districts of Florida
- United States District Court for the District of Colorado
- United States District Court for the Northern District of Illinois
- United States District Courts for the Northern and Southern Districts of Indiana
- United States District Court for the Eastern District of Michigan
- United States District Court for the Northern District of New York
- United States District Courts for the Northern and Southern Districts of Texas

# Robbins Geller Rudman & Dowd LLP



## Mark J. Dearman Partner

Boca Raton | T: (561) 750-3000 | E: [mdearman@rgrdlaw.com](mailto:mdearman@rgrdlaw.com)

### Practice Areas

Consumer Fraud and Privacy

Securities Fraud

Mass Torts (Products Liability & Personal Injury)

Antitrust

### Education

- Nova Southeastern University, J.D., 1993
- University of Florida, B.A., 1990

### Admissions

Florida

United States Courts of Appeals for the Eighth, Ninth, and Eleventh Circuits

United States District Courts for the Northern, Middle, and Southern Districts of Florida

United States District Court for the Southern District of Texas

### Honors & Awards

AV rating by Martindale-Hubbell

Mark Dearman is a partner in Robbins Geller Rudman & Dowd LLP's Boca Raton office, where his practice focuses on consumer fraud, securities fraud, mass torts, antitrust, and whistleblower litigation.

Mark, along with other Robbins Geller attorneys, is currently leading the effort on behalf of cities and counties around the country in *In re National Prescription Opiate Litig.* He was recently appointed to the Plaintiffs' Steering Committee in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, and as Chair of the Plaintiffs' Executive Committee in *In re Apple Inc. Device Performance Litig.*, Mark obtained a \$310 million settlement. His other recent representative cases include *In re FieldTurf Artificial Turf Mktg. Pracs. Litig.*, No. 3:17-md-02779 (D.N.J.); *In re NHL Players' Concussion Injury Litig.*, MDL No. 14-2551 (SRN), 2015 U.S. Dist. LEXIS 38755 (D. Minn. Mar. 25, 2015); *In re Sony Gaming Networks & Customer Data Sec. Breach Litig.*, 903 F. Supp. 2d 942 (S.D. Cal. 2012); *In re Volkswagen "Clean Diesel" Mktg., Sales Pracs., & Prods. Liab. Litig.*, MDL No. 2672 CRB (JSC), 2016 U.S. Dist. LEXIS 1357 (N.D. Cal. Jan. 5, 2016); *In re Ford Fusion & C-Max Fuel Econ. Litig.*, No. 13-MD-2450 (KMK), 2015 U.S. Dist. LEXIS 155383 (S.D.N.Y. Nov. 12, 2015); *Looper v. FCA US LLC*, No. 5:14-cv-00700-VAP-DTB (C.D. Cal.); *In re Aluminum Warehousing Antitrust Litig.*, 95 F. Supp. 3d 419 (S.D.N.Y. 2015), *aff'd*, 833 F.3d 151 (2d Cir. 2016); *In re Liquid Aluminum Sulfate Antitrust Litig.*, No. 16-md-2687 (JLL) (JAD) (D.N.J.); *In re Winn-Dixie Stores, Inc. S'holder Litig.*, No. 16-2011-CA-010616 (Fla. 4th Jud. Cir. Ct., Duval Cnty.); *Gemelas v. Dannon Co. Inc.*, No. 1:08-cv-00236 (N.D. Ohio); and *In re AuthenTec, Inc. S'holder Litig.*, No. 05-2012-CA-57589 (Fla. 18th Jud. Cir. Ct., Brevard Cnty.).

**Robbins Geller  
Rudman & Dowd LLP**

**Mark J. Dearman**  
Partner

Leading Plaintiff Financial Lawyer,  
*Lawdragon*, 2020-2022

500 Leading Plaintiff Consumer  
Lawyer, *Lawdragon*, 2022

Super Lawyer, *Super Lawyers  
Magazine*, 2014-2020

Recognized by his peers as being in  
the top 1.5% of Florida Civil Trial  
Lawyers as published in *Florida  
Trend's Florida Legal Elite*, 2004,  
2006

Mark is a member of the faculty of the inaugural Mass Torts MDL Certificate Program at the Bolch Judicial Institute of Duke Law School (March 2019). He is also a member of The National Trial Lawyers Top 100 (March 2021). He has been rated AV by Martindale-Hubbell (the highest rating available), named a Leading Plaintiff Financial Lawyer and a 500 Leading Plaintiff Consumer Lawyer by *Lawdragon*, and has been recognized as a Florida Super Lawyer by *Super Lawyers Magazine* for seven consecutive years. Mark has also been recognized by his peers as being in the top 1.5% of Florida Civil Trial Lawyers as published in *Florida Trend's Florida Legal Elite*.

Before joining Robbins Geller, Mark spent several years defending Fortune 500 companies in all aspects of litigation, with an emphasis in complex commercial litigation, consumer claims, and mass torts (products liability and personal injury). He went on to found the firm of Dearman & Gerson, where he continued to defend many publicly traded corporations for over 12 years. Within the last 20 years of practice, Mark has obtained extensive jury trial experience on the plaintiffs' side, protecting the rights of consumers throughout the United States.

Mark earned his Bachelor of Arts degree from the University of Florida and his Juris Doctor degree from Nova Southeastern University. Upon graduation from law school, he worked in the Miami office of Ruden, McClosky, Smith, Schuster & Russell.

## Professional Affiliations

- Faculty, Mass Torts MDL Certificate Program, Bolch Judicial Institute of Duke Law School
- Member, The National Trial Lawyers: Top 100

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Rudman & Dowd LLP

Mark J. Dearman  
Partner

## Featured Seminars & Speaking Engagements

- The Duke Law Bolch Judicial Institute, Mass-Tort MDL Certificate Program, Durham, North Carolina; March 11-13, 2020
- The Duke Law Bolch Judicial Institute, Mass-Tort MDL Certificate Program, Durham, North Carolina; March 13-15, 2019

# Robbins Geller Rudman & Dowd LLP



## David W. Mitchell Partner

San Diego | T: (619) 231-1058 | E: [davidm@rgrdlaw.com](mailto:davidm@rgrdlaw.com)

### Practice Areas

Securities Fraud  
Antitrust

### Education

- University of San Diego School of Law, J.D., 1998
- University of Richmond, B.A., 1995

### Admissions

California  
United States Courts of Appeals for the Second and Ninth Circuits  
United States District Courts for the Northern, Central and Southern Districts of California  
United States District Court for the Northern District of Illinois  
United States District Court for the Eastern District of Wisconsin

David Mitchell is a partner in Robbins Geller Rudman & Dowd LLP's San Diego office and focuses his practice on antitrust and securities fraud litigation. He is a former federal prosecutor who has tried nearly 20 jury trials. As head of the Firm's Antitrust and Competition Law Practice Group, he has served as lead or co-lead counsel in numerous cases and has helped achieve substantial settlements for shareholders. His most notable antitrust cases include *Dahl v. Bain Cap. Partners, LLC*, obtaining more than \$590 million for shareholders, and *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, in which a settlement of \$5.5 billion was approved in the Eastern District of New York. This case was brought on behalf of millions of U.S. merchants against Visa and MasterCard and various card-issuing banks, challenging the way these companies set and collect tens of billions of dollars annually in merchant fees. The settlement is believed to be the largest antitrust class action settlement of all time.

Additionally, David served as co-lead counsel in the ISDAfix Benchmark action against 14 major banks and broker ICAP plc, obtaining \$504.5 million for plaintiffs. Currently, David serves as court-appointed lead counsel in *In re Aluminum Warehousing Antitrust Litig.*, *City of Providence, Rhode Island v. BATS Global Markets Inc.*, *In re SSA Bonds Antitrust Litig.*, *In re Remicade Antitrust Litig.* and *In re 1-800 Contacts Antitrust Litig.*

David was nationally recognized for his legal work and named an "Antitrust Trailblazer" by *The National Law Journal*, which honored attorneys for their achievements in various specialties. The American Antitrust Institute 2018 Antitrust Enforcement Awards selected him as

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David W. Mitchell  
Partner

an Honoree in the category of Outstanding Antitrust Litigation Achievement in Private Law Practice for his work in *Alaska Electrical Pension Fund v. Bank of America Corp.* David has also been named to the Best Lawyers in America and the Southern California Best Lawyers lists by *Best Lawyers*® and the “Best of the Bar – The Most Outstanding Lawyers in San Diego” list by the *San Diego Business Journal*. In addition, he has been named multiple times as a Super Lawyer by *Super Lawyers Magazine* and to the Global Directory of Who’s Who. He has also been named a Leading Lawyer in America and a Leading Plaintiff Financial Lawyer by *Lawdragon*.

Before joining the Firm, David served as an Assistant United States Attorney in the Southern District of California where he worked on cases involving narcotics trafficking, bank robbery, murder-for-hire, and alien smuggling. He tried nearly 20 cases to verdict before federal criminal juries and made numerous appellate arguments before the Ninth Circuit Court of Appeals.

David graduated from the University of Richmond with a Bachelor of Arts degree in both Economics and History and thereafter received his Juris Doctor degree from the University of San Diego School of Law.

## Publications

- Christopher M. Burke, Stephanie A. Hackett, David W. Mitchell, Simon J. Wilke, Melanie Stallings Williams, Michael A. Williams & Wei Zhao, *Masters of the Universe: Bid Rigging by Private Equity Firms in Multibillion Dollar LBOs*, 87 U. Cin. L. Rev. 29 (2018).

## Honors & Awards

- Member, Enright Inn of Court
- Best Lawyer in America, *Best Lawyers*®, 2018-2023
- Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022
- Leading Lawyer in America, *Lawdragon*, 2020-2022

Robbins Geller  
Rudman & Dowd LLP

David W. Mitchell  
Partner

- Recognized as one of the Top 50 Lawyers in San Diego, *Super Lawyers Magazine*, 2021
- Southern California Best Lawyer, *Best Lawyers®*, 2018-2021
- Super Lawyer, *Super Lawyers Magazine*, 2016-2021
- Honoree, Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2018
- Antitrust Trailblazer, *The National Law Journal*, 2015
- “Best of the Bar – The Most Outstanding Lawyers in San Diego,” *San Diego Business Journal*, 2014

# Robbins Geller Rudman & Dowd LLP



## Brian O. O'Mara Partner

San Diego | E: [bomara@rgrdlaw.com](mailto:bomara@rgrdlaw.com)  
Washington D.C. | T: (202) 822-6762

### Practice Areas

Securities Fraud  
Antitrust

### Education

DePaul University College of Law,  
J.D., 2002

- Recipient of a CALI Excellence Award in Securities Regulation

University of Kansas, B.A., 1997

### Honors & Awards

Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2018, 2022

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2022

Super Lawyer, *Super Lawyers Magazine*, 2016-2021

Brian O'Mara is a partner in Robbins Geller Rudman & Dowd LLP's San Diego office. His practice focuses on complex securities and antitrust litigation. Brian has served in a leadership role in a number of notable shareholder and antitrust actions, including *Bennett v. Sprint Nextel Corp.* (D. Kan.) (\$131 million recovery); *In re CIT Grp. Inc. Sec. Litig.* (S.D. N.Y.) (\$75 million recovery); *In re MGM Mirage Sec. Litig.* (D. Nev.) (\$75 million recovery); *C.D. T.S. No. 1 v. UBSAG* (S.D.N.Y.); *In re Aluminum Warehousing Antitrust Litig.* (S.D.N.Y.); and *Alaska Elec. Pension Fund v. Bank of Am. Corp.* (S.D.N.Y.). Most recently, Brian was a primary member of the leadership team and class counsel in *In re EpiPen Marketing, Sales Practices & Antitrust Litigation* (D. Kan.), which resulted in a \$609 million total recovery weeks before trial in a certified class action alleging antitrust claims, and in the *ISDAfix Benchmark Antitrust Litigation* (S.D.N.Y.) brought against 14 major banks and broker ICAP plc, obtaining \$504.5 million for plaintiffs.

Brian has been responsible for a number of significant rulings, including: *Stafford v. Rite Aid Corp.*, 998 F.3d 862 (9th Cir. 2021); *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Pracs. & Antitrust Litig.*, 2020 U.S. Dist. LEXIS 40975 (D. Kan. Mar. 10, 2020); *Alaska Elec. Pension Fund v. Bank of Am. Corp.*, 306 F. Supp. 3d 610 (S.D.N.Y. 2018); *Alaska Elec. Pension Fund v. Bank of Am. Corp.*, 175 F. Supp. 3d 44 (S.D.N.Y. 2016); *Bennett v. Sprint Nextel Corp.*, 298 F.R.D. 498 (D. Kan. 2014); *In re MGM Mirage Sec. Litig.*, 2013 U.S. Dist. LEXIS 139356 (D. Nev. Sept. 26, 2013); *In re Constar Int'l Inc. Sec. Litig.*, 2008 U.S. Dist. LEXIS 16966 (E. D. Pa. Mar. 5, 2008), *aff'd*, 585 F.3d 774 (3d Cir. 2009); *In re Direct Gen. Corp. Sec. Litig.*, 2006 U.S. Dist. LEXIS 56128 (M.D. Tenn. Aug. 8,

Robbins Geller  
Rudman & Dowd LLP

Brian O. O'Mara  
Partner

2006); and *In re Dura Pharms., Inc. Sec. Litig.*, 452 F. Supp. 2d 1005 (S.D. Cal. 2006).

Brian has twice been recognized by the American Antitrust Institute as an Antitrust Enforcement Award honoree for the category of Outstanding Antitrust Litigation Achievement in Private Law Practice for his work in the *ISDAfix Benchmark Antitrust Litigation* (2018) and *In re EpiPen Marketing, Sales Practices, and Antitrust Litigation* (2022). He has also been named a Super Lawyer by *Super Lawyers Magazine* for the past six consecutive years and has been named a Leading Plaintiff Financial Lawyer by *Lawdragon*.

Before joining the Firm, Brian served as law clerk to the Honorable Jerome M. Polaha of the Second Judicial District Court of the State of Nevada. He earned a Bachelor of Arts degree from the University of Kansas and a Juris Doctor degree from DePaul University College of Law, where he was the recipient of a CALI Excellence Award in Securities Regulation.

Brian is the co-author of *Whether Alleging “Motive and Opportunity” Can Satisfy the Heightened Pleading Standards of the Private Securities Litigation Reform Act of 1995: Much Ado About Nothing*, 1 DePaul Bus. & Com. L.J. 313 (2003).

## Admissions

- California
- Nevada
- District of Columbia
- United States Courts of Appeals for the Second and Ninth Circuits
- United States District Courts for the Northern, Eastern, Central and Southern Districts of California
- United States District Court for the District of Colorado
- United States District Court for the Northern District of Illinois

**Robbins Geller  
Rudman & Dowd LLP**

**Brian O. O'Mara**  
Partner

- United States District Court for the District of Nevada
- United States District Court for the Eastern District of Wisconsin

# Robbins Geller Rudman & Dowd LLP



## Arthur L. Shingler III Of Counsel

San Diego | T: (619) 231-1058 | E: [ashingler@rgrdlaw.com](mailto:ashingler@rgrdlaw.com)

### Practice Areas

Securities Fraud  
Shareholder Derivative  
Consumer Fraud and Privacy  
Antitrust

### Education

- Boston University School of Law, J.D., 1995
- Point Loma Nazarene College, B.A., 1989, *cum laude*

### Admissions

California  
United States Courts of Appeals for the Third and Ninth Circuits  
United States District Courts for the Northern, Central and Southern Districts of California  
United States District Court for the Northern District of Illinois (General Bar)  
United States District Court for the Eastern District of Michigan  
United States District Court for the Northern District of Ohio

Arthur Shingler is Of Counsel to Robbins Geller Rudman & Dowd LLP and is based in the Firm's San Diego office. He has successfully represented both public and private sector clients in hundreds of complex, multi-party actions with billions of dollars in dispute. Throughout his career, he has obtained outstanding results for those he has represented in cases generally encompassing shareholder derivative and securities litigation, unfair business practices litigation, publicity rights and advertising litigation, ERISA litigation, and other insurance, health care, employment, and commercial disputes.

Representative matters in which Arthur served as lead litigation or settlement counsel include, among others: *In re Royal Dutch/Shell ERISA Litig.*, No. 3:04-cv-00374 (D.N.J.) (\$90 million settlement); *In re Priceline.com Sec. Litig.*, No. 3:00-cv-01884 (D. Conn.) (\$80 million settlement); *In re General Motors ERISA Litig.*, No. 05-71085 (E.D. Mich.) (\$37.5 million settlement, in addition to significant revision of retirement plan administration); *Wood v. Ionatron, Inc.*, No. 4:06-cv-00354 (D. Ariz.) (\$6.5 million settlement); *In re Lattice Semiconductor Corp. Derivative Litig.*, No. C 043327CV (Or. Cir. Ct., Wash. Cty.) (corporate governance settlement, including substantial revision of board policies and executive management); *In re 360networks Class Action Sec. Litig.*, No. 1:02-cv-04837 (S.D.N.Y.) (\$7 million settlement); and *Rothschild v. Tyco Int'l (US), Inc.*, 83 Cal. App. 4th 488 (2000) (shaped scope of California's Unfair Practices Act as related to limits of State's False Claims Act).

**Robbins Geller  
Rudman & Dowd LLP**

**Arthur L. Shingler III**  
Of Counsel

Arthur earned a Bachelor of Arts degree, *cum laude*, from Point Loma Nazarene College and a Juris Doctor degree from Boston University School of Law.

# Robbins Geller Rudman & Dowd LLP



## Eric S. Dwoskin Associate

Boca Raton | T: (561) 750-3000 | E: [edwoskin@rgrdlaw.com](mailto:edwoskin@rgrdlaw.com)

### Practice Areas

Consumer Fraud and Privacy

Mass Torts (Products Liability & Personal Injury)

### Education

- University of Michigan Law School, J.D., 2012
- Columbia University, B.A., 2008

### Admissions

Florida

New York

United States District Courts for the Middle and Southern Districts of Florida

Eric Dwoskin is an associate in Robbins Geller Rudman & Dowd LLP's Boca Raton office, where he practices consumer fraud, mass torts, whistleblower, and data breach litigation.

Before joining the Firm, Eric focused on consumer financial services, employment, and other complex commercial litigation. In this capacity, he developed significant trial and appellate advocacy skills in state and federal courts around the United States. During law school, Eric was a legal extern at the South African Human Rights Commission in Cape Town, South Africa and a summer law clerk for the Honorable Robert M. Gross of the Fourth District Court of Appeals in West Palm Beach, Florida. He was also an intern in the Office of the Prosecutor at the International Criminal Tribunal for the Former Yugoslavia in The Hague, Netherlands, after having received a Humanity in Action Fellowship.

Eric earned his Bachelor of Arts degree in Political Science from Columbia University and his Juris Doctor degree from the University of Michigan Law School, where he was awarded a Dean's Scholarship.